

UNITED STATES DISTRICT COURT

Southern District of New York

HUGH JOHN TULLY and PENELOPE CAROL TULLY,
on Behalf of Themselves and All Others
Similarly Situated,

V.

SUMMONS IN A CIVIL ACTION

THE CHARLES SCHWAB CORPORATION,
SCHWAB INVESTMENTS, CHARLES
SCHWAB & CO. INC., CHARLES
SCHWAB INVESTMENT MANAGEMENT,
INC., CHARLES R. SCHWAB, EVELYN
DILSAVER, RANDALL W. MERK, and
GEORGE PEREIRA

08 CV 3652
CASE NUMBER

JUDGE JONES

TO: (Name and address of Defendant)

THE CHARLES SCHWAB CORPORATION, SCHWAB INVESTMENTS, CHARLES SCHWAB & CO.
INC., CHARLES SCHWAB INVESTMENT MANAGEMENT, INC., CHARLES R. SCHWAB,
EVELYN DILSAVER, RANDALL W. MERK, and GEORGE PEREIRA
101 Montgomery Street,
San Francisco, CA 94104

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Daniel W. Krasner, Robert B. Weintraub
WOLF HALDENSTEIN ADLER FREEMAN & HERZ LLP
270 Madison Avenue
New York, New York 10016

an answer to the complaint which is served on you with this summons, within thirty (30) days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

APR 16 2008

CLERK

DATE

(By) DEPUTY CLERK

RETURN OF SERVICE

Service of the Summons and complaint was made by me ⁽¹⁾	DATE 4/21/08
NAME OF SERVER (PRINT) Robert B. Weintraub	TITLE Of Counsel, Wolf Halderstein for plaintiffs

Check one box below to indicate appropriate method of service

☒ Served personally upon the defendant. Place where served:

Pursuant to written agreement with Ropes + Gray,

☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left:

☐ Returned unexecuted:

☐ Other (specify):

STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL —
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DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on

4/28/08

Date

Signature of Server

Robert B. Weintraub

Wolf Halderstein, for plaintiffs
270 Madison Ave NYC 10016

Address of Server

by Robert Skinner, Esq., counsel for defendant Schwab Investments, only, ("Schwab Investments"), service was effected by email and constituted good service as of April 21, 2008. See attached email from Schwab Investments' counsel.

Robert B. Weintraub 4/28/08

KOP. 17

JIM.1

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.